

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

Group I: Claims 1 and 2, drawn to a method of transforming a crystal structure of a Group XIII nitride, classified in class 117, subclass 089.000, and

Group II: Claims 3-5, drawn to a Group XIII nitride hexagonal crystal, classified in class 423, subclass 328.2.

Applicants hereby elect Group I, Claims 1 and 2, drawn to a method of transforming a crystal structure of a Group XIII nitride, with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the two groups.

Moreover, the MPEP at § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement.

Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

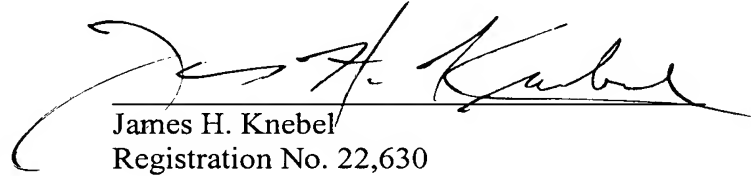
Respectfully submitted,

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